



TOWN OF MIDDLEBURY

*Planning & Zoning Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
(203) 598-7640 fx*

June 7, 2018 REGULAR MEETING MINUTES

REGULAR MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman
Erika Carrington

REGULAR MEMBERS ABSENT

Matthew Robison
Joseph Drauss

ALTERNATE MEMBERS PRESENT

Jeffrey Grosberg

ALTERNATE MEMBERS ABSENT

Paul T. Babarik

ALSO PRESENT

John Calabrese, P.E.
Curtis Bosco, Z.E.O.

CALL TO ORDER

Chairman Smith called the Regular Meeting to order at 7:02 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman Smith announced Regular Members Smith, Stowell, & Carrington and Alternate Member Grosberg as present. Regular Members Robison & Drauss and Alternate Member Babarik were absent. He appointed Alternate Member Grosberg to act in place of absent Regular Member Drauss.

PUBLIC HEARINGS

None

MINUTE APPROVAL

1. Discussion of the Minutes of the Regular Meeting held on May 3, 2018

Motion: to approve the Minutes of the May 3, 2018 Regular Meeting as submitted. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

OLD BUSINESS

2. Janis & Michael Carnaroli/7West Lake Rd.-Application for a Site Plan (Application #2018-5-1)

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant. He announced that Scott Meyers, P.E., L.S. of Meyers Associates, P.C. was unable to attend this evening's meeting. He also confirmed receipt of the letter from Town Consultant Hiram Peck of Plan Three, LLC dated 5-28-18. He submitted the following for the record.

- Report dated 6-4-18 from Meyers Associates, P.C. in response to Mr. Peck's letter;
- Set of architectural drawings from the architect ;
- Revised site drawings from Meyers Associates, P.C.;
- Copy of the Conservation Commission's Draft Resolution in accordance to their approval at their 2-27-18 Regular Meeting;
- Copy of the WSOA Board Meeting Minutes dated 5-1-18 indicating their approval of the proposal.

Attorney McVerry went on to state that the current structure is 928 square feet. Under the Regulations, it can be increased by 30% to 1,206 square feet. The proposal goes to 1,206 square feet of which 400 square feet is the garage resulting in less ground coverage by not having a separate garage on site. At the WSOA meeting, the issue of the garage in the house and the rooftop on the garage was discussed. As a result, an opinion letter from Attorney Franklin G. Pilicy, dated 5-1-18, was provided to West Shore. Attorney McVerry supplied this Commission with a copy of said letter for the record. In summary, it is his opinion that the garage as proposed conforms to the rules of the Association.

Chairman Smith questioned what the applicant intended to do about the oak and maple trees.

John Ricci of Ricci Construction stated that one is leaning far over the lake and if it is not taken down now, it will be very difficult to do so once the house is built. The other two, which are not currently close to the existing house, will be close to the new house due to its placement on the lot. The removal of said trees is indicated on the latest drawings.

Attorney McVerry added that one of the issues that the Tremaglios, who reside in the house directly behind them, had with the initial proposal was the potential loss of their sight line to the lake. It is the applicant's opinion that they do have a straight shot down on their own property but with these trees coming down, it would allow them some access for viewing of the lake.

William Stowell questioned the reference made by Mr. Peck about the datum mentioned on the site plan.

John Calabrese, P.E. stated that he is not sure that it is in the Regulations that it be required to be on a certain datum and that it is a normal survey. He suggested that it could be included as a condition of approval.

Motion: to approve the application per the attached Resolution. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

NEW BUSINESS

3. Leavenworth P. Sperry, Jr./312 Park Road-Application for a Special Exception pursuant to Section 21.2.9 (Application #2018-6-1)

Attorney Curtis Titus spoke on behalf of Middlebury Land Trust. They are seeking to purchase the property which is approximately 1.8 acres in order to avoid having to park on Straits Turnpike and to utilize the existing building to hold meetings and store documents. Eleven (11) parking spaces are also included in the proposal.

Motion: to schedule a Public Hearing for July 5, 2018. Made by Erika Carrington, seconded by William Stowell. Unanimous Approval.

4. Town of Middlebury Water Pollution Control Authority (WPCA)/Several locations-Preliminary Site Plan Review (Application #2016-6-2)

Ken Long of the Town of Middlebury WPCA wanted to inform this Commission of the proposed modifications of three (3) sewage pump stations: Station 4; Station 6; Station 7.

He briefly described the various upgrades which would then bring the stations up to code. Variances to side setbacks are being proposed for Station 4 and Station 6.

Chairman Smith suggested that they go before the Zoning Board of Appeals.

Ken Long agreed to do so and stated that he would submit a ZBA application to Curtis Bosco, Z.E.O.

OTHER BUSINESS

5. Any other business added to the agenda by a 2/3 vote of the Commission

None

6. Enforcement Report

Curtis Bosco, Z.E.O. confirmed that all members received his Enforcement Report. He briefly discussed the numerous signs he removed throughout the town.

7. Adjournment

Motion: to adjourn the meeting at 7:41 p.m. Made by Erika Carrington, seconded by Jeffrey Grosberg. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Edith Salisbury, Town Clerk

cc: P&Z Commission Members
Paul Bowler, Chairman, Conservation Commission
Ollie LeDuc, Building Official
Curtis Bosco, Z.E.O.
Ken Long, Chairman, Z.B.A.
Attorney Dana D'Angelo
Larry S. Hutvagner, CFO
Rob Rubbo, Director of Health

SITE PLAN RESOLUTION

Upon motion by Commissioner Stowell, seconded by Commissioner Carrington, it was voted unanimously to approve the application of Janis & Michael Carnaroli for a SITE PLAN located on 7 West Lake Road as shown on Record Subdivision Map entitled Reconstruction of Cottage for Janis Carnaroli and prepared by Meyers Associates and dated January 3, 2018, revised to June 4, 2018.

The Commission specifically finds The Application:

1. is in compliance with the requirements of the Panning & Zoning Regulation 51.3.1;

The Application is subject to the following conditions/modifications:

- a) providing bond satisfactory to the Commission and the Board of Selectmen;
- b) posting of a landscape bond as determined by the Board of Selectmen;
- c) signing of the Map by the First Selectman;
- d) signing of the Map by the Conservation Officers;
- e) confirming horizontal datum is applicable for this Site Plan; 1929 datum is correct for vertical.

If the above conditions and or modifications are complied with within 90 days of this decision, the Chairman is authorized to sign the Map. Otherwise, the application is to be considered disapproved and denied.

June 7, 2018